



ATTORNEY DOCKET: CELL-4.20-CIP2

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application for:	)	
	)	Group Art Unit: 1644
Serial No.: 09/187,693	)	
	)	Examiner: N/A
Filed: November 5, 1998	)	
	)	
Applicant: Jakobovits, et al.	)	
	)	
Title: Human Monoclonal Antibodies to	)	
Epidermal Growth Factor Receptor	)	
	)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Responsive to the Notice to File Missing Parts, mailed on November 25, 1998, a two-month period for response being set, making this Response due on January 25, 1999, and extended for four-months pursuant to the Petition for Four-Month Extension of Time under 37 C.F.R. § 1.136 up to and including May 25, 1999, Applicants submit the following items:

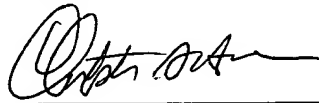
- ♦ Copy of the Notice to File Missing Parts;
- ♦ A Declaration by the Inventors;
- ♦ A Petition for a Four-Month Extension of Time;
- ♦ A Preliminary Amendment;
- ♦ A Request to Amend the Drawing Figures under 37 C.F.R. § 1.21(a)(3)(ii);

- ♦ The fees for the basic statutory filing fee (\$790.00), the fee for additional claims (\$164.00), the four-month extension of time (\$1,360.00), and the surcharge under 37 C.F.R. § 1.16(e) (\$130.00) for a Total Fee of \$2,444.00; and
- ♦ Check in the amount of \$2,444.00

Entry of the foregoing materials is respectfully requested. The Commissioner is authorized to charge any underpayment or credit any overpayment associated with this Communication to Deposit Account No. 010038. A duplicate copy of this authorization is enclosed.

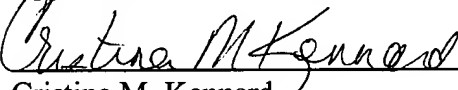
Respectfully submitted,

Dated: 5/25/99

  
\_\_\_\_\_  
Christopher A. Hare, Reg. No. 37,637

Patent Counsel  
**ABGENIX, INC.**  
7601 Dumbarton Circle  
Fremont, CA 94555  
(510) 608-6533  
(510) 608-6511 (fax)

I hereby certify under 37 C.F.R. § 1.8 that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on 5/25/99 by:

  
\_\_\_\_\_  
Cristina M. Kennard



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/13/99 11/25/98 JAKUBOVITS



NOT ASSIGNED

1644

DATE MAILED:

11/25/98

BEST AVAILABLE COPY

CHRISTOPHER A HARE  
ABGENIX INC  
7601 DUMBERTON CORP  
FREMONT CA 94555

### NOTICE TO FILE MISSING PARTS OF APPLICATION *Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☒ small entity (statement filed) ☒ non-small entity is \$ 1084

- ☒ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. Additional claim fees of \$ 164, including any multiple dependent claim fees, are required.

\$ 164 for 2 independent claims over 3

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

- ☐ 9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09187693  
790 00 000  
130 00 000  
164 00 000  
06/01/1999 NHAS:SHNT  
01 FC:101  
02 FC:105  
03 FC:102

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application for:

Serial No.: 09/187,693

Filed: November 5, 1998

Applicant: Jakobovits et al.

Title: Human Monoclonal Antibodies to  
Epidermal Growth Factor Receptor

Group Art Unit: 1644

Examiner: Gambel, P.

REQUEST TO AMEND THE DRAWING FIGURES UNDER 37 C.F.R. § 1.21(a)(3)(ii)Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request amendment of Figures 1-32, 57-70, and 72-73 as shown in red ink on the attached drawings.

Entry of the foregoing materials is respectfully requested. The Commissioner is authorized to charge any underpayment or credit any overpayment associated with this Communication to Deposit Account No. 010038. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Dated:

5/25/99Christopher A. Hare, Reg. No. 37,637

Patent Counsel  
Abgenix, Inc.  
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Cristina M. Kennard  
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